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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 MICHAEL MARTIN,
10 Plaintiff,
11 v.
12 CHERYL STRANGE ,
13 Defendant.

CASE NO. 3:23-cv-05039-BHS-BAT

**ORDER DENYING PLAINTIFF'S
MOTION TO APPOINT COUNSEL**

13 Plaintiff Michael Martin, who is proceeding *pro se* and *in forma pauperis* in this civil
14 rights action, has filed a motion to appoint counsel. **Dkt. 12.** The Court **DENIES** the motion.

15 Generally, a person has no right to counsel in a civil action. *See Campbell v. Burt*, 141
16 F.3d 927, 931 (9th Cir. 1998). The Court may appoint counsel for indigent civil litigants under
17 28 U.S.C. § 1915(e)(1), but only under “exceptional circumstances.” *Agyeman v. Corrections*
18 *Corp. of Am.*, 390 F.3d 1101, 1103 (9th Cir. 2004). When determining whether “exceptional
19 circumstances” exist, the Court considers “the likelihood of success on the merits as well as the
20 ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the legal issues
21 involved.” *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983).

1 Mr. Martin states that he requires appointed counsel because he cannot afford counsel,
2 imprisonment will greatly limit his ability to litigate, the issues are complex, he has limited
3 knowledge of the law, and counsel is better able to handle all aspects of pretrial and trial
4 proceedings. Dkt. 12 at 1–2. These are not extraordinary circumstances. In addition, plaintiff has
5 not shown that he is likely to prevail on the merits of his claim. Appointment of counsel is
6 therefore not justified at this time, and the Court **DENIES** the motion. **Dkt. 12.**

7 DATED this 14th day of April, 2023.

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10 BRIAN A. TSUCHIDA
United States Magistrate Judge